

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
JOHN GARLAND, et al., on behalf of themselves and all
other similarly situated employees of the New
York City Fire Department,

Plaintiffs,

- against -

NEW YORK CITY FIRE DEPARTMENT, DANIEL A.
NIGRO, in his official and individual capacities, JOHN
DOE #1-10, in their official and individual capacities; and
JANE DOE #1-10 in their official and individual capacities,

Defendants.

DECLARATION OF
ANDREA O'CONNOR IN
OPPOSITION TO
PLAINTIFFS'
APPLICATION FOR A
PRELIMINARY
INJUNCTION

No. 21 Civ 6586 (KAM)(CP)

ANDREA O'CONNOR declares, pursuant to 28 U.S.C. § 1746 and subject to the
penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Georgia M. Pestana,
Corporation Counsel of the City of New York, attorney for Defendants New York City Fire
Department ("FDNY") and Daniel Nigro and as such I am familiar with the facts as set forth
herein.

2. I respectfully submit this declaration in opposition to plaintiffs' application
for a preliminary injunction.

3. Attached hereto as Exhibits "A" to "J" are documents maintained in the
ordinary course of Defendants' business, publicly available documents and the affidavit of Don
Nguyen. Copies of these documents are as follows:

- A. Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccination for City Employees and Certain City Contractors, dated October 20, 2021, annexed hereto as Exhibit A;
- B. Arbitration Award Decision in Board of Education of the City School District of the City of New York and the United Federation of Teachers, Local 2, AFT, AFL-CIO, dated September 10, 2021, annexed hereto as Exhibit B;
- C. Memorandum of Agreement District Council 37, City of New York, and the Board of Education of the City School District for the City of New York, dated October 3, 2021, annexed hereto as Exhibit C;
- D. Verified Petition in In the matter of the Application of Andrew Ansbro, as President of the Uniformed Firefighters Association v. de Blasio, et al., Index No. 159738/2021, (N.Y. Sup, N.Y. Cnty), annexed hereto as Exhibit D;
- E. Order in In the matter of the Application of Andrew Ansbro, as President of the Uniformed Firefighters Association v. de Blasio, et al., Index No. 159738/2021, dated November 1, 2021, annexed hereto as Exhibit E;
- F. Verified Scope of Bargaining and Improper Practice Petition In the Matter of the Improper Practice Petition between Uniformed Firefighters Association of Greater New York, Local 94, IAFF, AFL-CIO v. City of New York, et al., dated October 27, 2021, annexed hereto as Exhibit F;
- G. Verified Petition for Injunctive Relief In the Matter of the Petition for Injunctive Relief between Uniformed Firefighters Association of Greater

New York, Local 94, IAFF, AFL-CIO v. City of New York, et al., dated

October 27, 2021, annexed hereto as Exhibit G;

- H. Letter, dated November 18, 2021 from Harry Greenberg to Steven E. Star, annexed hereto as Exhibit H;
- I. Notice of Board Determination, Request for Injunctive Relief In the Matter of the Petition for Injunctive Relief between Uniformed Firefighters Association of Greater New York, Local 94, IAFF, AFL-CIO v. City of New York, et al., dated November 16, 2021, annexed hereto as Exhibit I; and
- J. Declaration of Don Nguyen, dated November 29, 2021, annexed hereto as Exhibit J;

Dated: New York, New York
November 29, 2021

GEORGIA M. PESTANA
Corporation Counsel of the
City of New York
Attorney for Defendants FDNY and Nigro
100 Church Street, Room 2-104
New York, New York 10007
(212) 356-4015
aoconnor@law.nyc.gov

By: _____ /s/
Andrea O'Connor
Assistant Corporation Counsel